

**STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Yolanda Domineck- Mitchell
Plaintiff

vs.

Detroit Public Schools
Public School District and as
an Agency of the State Michigan
Division of Human Resources
Employee Health Services
Robert Bobb, Individually and
in his Official Capacity as the
Emergency Financial Manager
Jack Martin, Individually and
in his Capacity as the Successor
Emergency Financial Manager
Ellen Griffin, Individually & Executive
Director Employee Health Services
Ines De Jesus, Individually and as
Associate Superintendent Human Resources
Roderick Grimes, Individually and as
Chief Department of Public Safety
Defendants

Civil Action # 2013-cv-12009
Hon. Judge Victoria A Roberts
Magistrate Judge Mona K Majzoub

FILED

2013 JUL 29 A 9 32

U.S. DIST. COURT CLERK
EAST. DIST. MICHIGAN
DETROIT

Yolanda Domineck Mitchell
Plaintiff in Pro Per
12500 Rosemary
Detroit, Michigan 48213
Tel (248) 252-7417

AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL
FILED PURSUANT TO RULE 15(a) OF FEDERAL RULES OF
CIVIL PROCEDURE

Now comes the Plaintiff –Yolanda Domineck Mitchell in Propria Persona
and hereby complains unto this Honorable United States District Court for Judgment(s)
in Compensatory Damages and a written Order Granting Plaintiff-Yolanda Domineck
Mitchell Reasonable Accommodations against the above named - Defendants- the Detroit
Public Schools, an Agency of the State Michigan- Division of Human Resources Employee
Health Services, Robert Bobb, Individually and in his Official Capacity as the Emergency
Financial Manager, Ellen Griffin Executive Director Employee Health Services; Ines De

Jesus, as Associate Superintendent Human Resources Roderick Grimes, Individually and as Chief Department of Public Safety for willful Violations of Plaintiff American with Disability Act (ADA); the Family Medical Leave Act,(FMLA); the REHABILITATION ACT of 1973 - Section # 504 - 29 USC # 794(a) and Violations of Due Process of Law and Equal Protection of the Law under the 5th and 14th Amendments to the U.S. Constitution and the applicable U.S. law for the following reasons :

JURISDICTION AND VENUE

1 Now comes Plaintiff Yolanda Domineck Mitchell who invokes the Jurisdiction of this U.S District Court based upon 28 U.S.C 1331 Federal Question Jurisdiction based upon Federal Law which the Plaintiff seeks judicial relief based upon the U.S law for willful violations of Plaintiff's American with Disability Act (ADA); the Family Medical Leave Act (FMLA); the REHABILITATION ACT of 1973 - Section # 504 - 29USC # 794(a) and willful Violations of Plaintiff's Constitutional rights and guarantees under the Due Process of Law and Equal Protection of the Law clauses of the 5th and 14th Amendments to the U.S. Constitution and U.S. law that allegedly occurred in the Eastern District of Michigan Southern Division by the Defendants named in this Civil Action involving in this Case and Controversy

2 On July 30, 2010, Defendants-Detroit Public Schools, a Public School District and Agency of State Michigan-Division of Human Resources Employee Health Services , Robert Bobb. as Individually and in his Official Capacity, as the Emergency Financial Manager, Ellen Griffin as Executive Director of Employee Health Services ; Ines De Jesus as the Associate Superintendent Human Resources and Roderick Grimes as the Chief of Department of Safety willfully engaged in violations of Federal Law when that mailed a written notice through 1st class mail and stated that Plaintiff Employment was terminated with affording Plaintiff a hearing.

3 That these Defendants were **fully aware** that Plaintiff **Yolanda Domineck Mitchell** was on an **approved medical leave under the Family Medical Leave Act (FMLA)**

4 That these Defendants knew Plaintiff - **Yolanda Domineck Mitchell** was under the care of medical doctor for injuries that she suffered from her employment on July 30, 2010.

Common Allegations

5. Plaintiff's **Yolanda Domineck Mitchell** - is a resident of the City of Detroit and hereby asserts that she has **Legal Standing** to file pursue and maintain this Civil Action.

6. Plaintiff- **Yolanda Domineck Mitchell** a DPS security officer is an aggrieved person who been denied and her rights to **due process were violated in this case and controversy**. Plaintiff - **Yolanda Domineck Mitchell** has been denied reasonable accommodation and her Federally protected rights under the **Americans with Disabilities Act of 1990 (ADA)** ; the **Federal Family Medical Leave Act of 1993** and the **Federal Rehabilitation Act of 1973**

7. That the Defendants-**Detroit Public Schools, Public School District** as an **Agency of the State Michigan-Division of Human Resources Employee Health Services**, and **Robert Bobb**. Individually and in his Official Capacity, as **Emergency Financial Manager, Ellen Griffin Executive Director Employee Health Services; Ines De Jesus**, Individually- **Associate Superintendent Human Resources - Roderick Grimes**.

8. That Defendant - **Detroit Public Schools, a Public School District** and **Agency of the State Michigan-Division of Human Resources Employee Health** that deals with employment personnel issues work and including employment leaves, vacations, work status, suspensions FMLA etc, and is a government agency that is now subject to the **Jurisdiction of this Court and legal process issued by this U.S District Court**.

9. That Defendant **Robert Bobb** was duly appointed **Emergency Financial Manager** by former Governor - **Jennifer Granholm** - and given the authority to fire and

terminate the employment of this Plaintiff- Yolanda Domineck Mitchell who had a written collective bargaining agreement and Defendant- Robert Bobb is now subject to the Jurisdiction of this Court and legal process issued by this court

10. That Defendant- Jack Martin was duly appointed Successor Emergency Financial Manager by the current Governor Rick Snyder and given the authority to now rehire and reinstate the employment of this Plaintiff- Yolanda Domineck Mitchell to resolve this "Case and Controversy" and this Defendant Jack Martin is now subject to the Jurisdiction of this Court and Legal Process issued by this Court

11. That Defendant ,Ellen Griffin the Executive Director Employee Health Services did terminate this Plaintiff Yolanda Domineck Mitchell while she was on approved Family Medical Leave Act which constitutes a violation of U.S. law and this Defendant is now subject to the Jurisdiction of this Court and legal process issued by this Court.

12. That Defendant - Ines De Jesus, signed the written letter to terminate Plaintiff's employment with DPS SECURITY and this Defendant was fully aware that this Plaintiff - Yolanda Domineck Mitchell - was an approved medical leave and had suffered injury from working on her job. and this Defendant- Ines De Dessus is now subject to the Jurisdiction of this Court and legal process issued by this court

13. That Defendant- Robert Bobb acting under Executive authority as the Emergency Financial Manager with power by Governor to make decisions regarding the Federal and State Law did breach his fiduciary duty and by interfering with the written contractual relations and with this Plaintiff prospective advantage – and did intentionally cause emotional stress and infliction of economic harm and did aggravate her medical condition by terminating her employment while on an approved Family Medical Leave.

14. That Defendant ,Ellen Griffin Executive Director Employee Health Services participate in the termination of Plaintiff employment while she was approved a Family

Medical Leave violating U.S Federal law and written union collective bargaining agreement.

15 On July 30, 2010 this Plaintiff- Yolanda Domineck- Mitchell as a DPS Security officer was illegally terminated from her employment by the Defendants Detroit Public Schools ; Robert Bobb; Ellen Griffini ; Ines De Jesus, ,Roderick Grimes, without Due Process of law who violated the employee Collective Bargaining Agreement and the Federal Law.

16 Defendant Robert Bobb acting as the original EMERGENCY FINANCIAL MANAGER, was mandated to uphold the Federal law and the contractual rights of Detroit Public School Security Officers and employees under the Michigan and U.S. law and this EFM manager's conduct and actions on July 30, 2010 is now subject to the jurisdiction of this U.S District Court ; the U.S. law and legal process issued by this U.S District Court

17 Defendant- Jack Martin as Successor EMERGENCY FINANCIAL MANAGER is now mandated to uphold the Federal law and the contractual rights of of Detroit Public School Security Officers and employees under the Michigan and U.S. law and this Successor EMERGENCY FINANCIAL MANAGER - Is now liable and responsible for now resolving this "Case and Controversy" that accrued on July 30, 2010 involving this Plaintiff- Yolanda Domineck- Mitchell

18. Defendants-Detroit Public Schools, a Public School District and an Agency of the State of Michigan-Division of Human Resources Employee Health Services and- the Defendant Robert Bobb has violated the law individually and in his Official Capacity as the original Emergency Financial Manager ;Defendant Ellen Griffin as the Executive Director Employee Health Services; Ines De Jesus, as the Associate Superintendent of Human Resources

19 Defendant - Roderick Grimes participated in this scheme to deprive and deny this Plaintiff reasonable Accommodation which is a violation of the Family Medical Leave Act -1993 and the Americans with Disability Act, that afforded to other employees severally- that were not terminated, based upon the Legal Claims alleged in this written Complaint and the applicable Michigan Law- for the following reasons:

20. That all these Defendants are subject to Federal Law and were Acting under the color of State law (Michigan Emergency Financial Manager Act - Public Act 4 of of 1999)- when they violated the Federal Law specifically the American Disabilities ACT 1990 U.S.C # 12112(a) ADA et al ; the Federal Medical Leave Act (FMLA) ; the Federal Rehabilitation Act of 1973 ; Title VII of the Civil Rights Act of 1964 ; the Federal Civil Rights Act of 1866- 42 USC # 1983 et al; 42 USC # 1985 ; and the 5th and 14th Amendments to the U.S. Constitution

21. That the amount in controversy is within Jurisdiction of this U.S District Court because Plaintiff Yolanda Domineck Mitchell claims damages and benefits in excess of Seventy Five Thousand (\$75.000.00) Dollars.

COUNT I
VIOLATIONS OF THE AMERICANS WITH DISABILITIES ACT -TITLE II
ADA- PUBLIC SECTOR - 42 USC # 12112(a) ; 42 USC #12132 QUALIFIED
DISABLED EMPLOYEE - HANDICAP DISCRIMINATION AND DENIAL OF
REASONABLE ACCOMMODATIONS - ACTION FOR DAMAGES & RELIEF

Now comes the Plaintiff Yolanda Domineck Mitchell in Propria Persona and hereby complains unto this Honorable United States District Court for monetary damages for this Plaintiff's fo being wrongfully deprived of Reasonable Accommodation in the work force and hereby seeks and request a Judgment for compensatory damages other judicial reliefs against these Defendants- because- DPS Breached of Fiduciary Duty to this Plaintiff Yolanda Domineck Mitchell and obey the Applicable Michigan law for the following Reasons :

22. Plaintiff Yolanda Domineck Mitchell hereby realleges ,restates, reasserts paragraphs one through (1-19) nineteen heretofore, alleged and hereby incorporates by reference said written paragraphs - as part of this count I a federal Civil Rights Claims arising from willful violations of American Disabilities Act 1990 42 U.S.C # 12112 (a) ADA et al and further states:

23. 42 USC # 12112(a) - known as the Title VII -ADA statute - provides that that subject to the provisions of this subchapter, no qualified individual with a Disability shall by reasons of any disability be discriminated in regard to any job application procedures, the hiring, advancement , or, discharge from employment, compensation , job training and other terms, conditions , and privileges of employment

24. 42 USC # 12132 - known as the Title II ADA statute - provides that subject to the provisions of this subchapter, no qualified individual with a Disability shall, by reason of such disability, shall be excluded from participation In or be denied the benefits of the services, programs, or activities or be subjected to discrimination by any such entity .

25. The U.S Supreme Court- in Shaw vs Delta Air Lines, 463 US 5 97, 103 S.Ct. 2890 at 2900 ; 77 L .Ed. 2d 490 (1983) held that the U.S. District Court must give these U.S. statutes – a plain language interpretation and U.S. Congress intended that Liability be based upon violation of plain language of these statutes.

26 To show a violation of the ADA under 42 USC # 12102(2) , the Plaintiff must first establish a “prima facie case” by adducing evidence that (1) Plaintiff has a “disability” (2) Plaintiff is a “ qualified individual” and (3) Plaintiff was discriminated against because of her disability” See, Toyota Motor Mfg .Ky Inc vs. Williams, 534 US 184,193, 122 S.Ct. 681,151 L .Ed. 2d 615 (2002) Hilburn vs, Murata Elecs N. Am Inc. 181 F. 3d 1220, at 1226 (11th Cir 1999) Doe vs Dekalb County Sch. District, 145 F. 3d

111 (11th Cir. 1998) ;Morisky vs Broward County, 80 F. 3d 445 , at 447 (11th Cir 1996)

27. Plaintiff Yolanda Domineck Mitchell does qualify under the ADA as a disabled "Handicap Employee" Plaintiff -Yolanda Domineck Mitchell has a (1) physical impairment (2) that substantially limits (3) a major life activity of working at this time as mandated by the U.S. law. See, Sutton vs. United Air Lines Inc., 527 US 471, at 492, 119 S. Ct. 2139, 144 L. Ed. 2d 450 (1999) Toyota Motor Mfg. Ky Inc, vs Williams, 534 US 184, 193, 122 S. Ct. 681, 151 L. Ed. 2d 615 (2002) The US Supreme Court in Murphy vs, United Parcel Service Inc, 527 US 516, 521-522, 119 S Ct. 2133, 144 L. Ed. 2d 484 (1999)

28 Plaintiff - Yolanda Domineck Mitchell asserts that she is " a person is regarded as "disabled" within the meaning of the ADA if a covered entity mistakenly believes that the person's actual, non limiting impairment substantially limits one or more major life activities.

29. That the Defendants-Detroit Public Schools, a Public School District and Agency of the State Michigan-Division of Human Resources Employee Health Services is an agency of the State of Michigan that deals with employment personnel issues work a including employment leaves, vacations, work status suspensions etc and is an agency that is now subject to the jurisdiction of the court and legal process issued by this court.

30 This Plaintiff Yolanda Domineck Mitchell had surgery on her spine to correct a back injury and the Henry Ford Hospital doctors ordered rehabilitation but but the Detroit Public Schools and Robert C Bobb terminated Plaintiff's employment on July 30, 2010 and her medical benefits and this Plaintiff thereafter continued to suffer back pain & suffering, continued pain even though this Plaintiff was on a written approved Medical Leave under the Family Medical Leave Act (FMLA) on July 30, 2010.

31 . Defendant Human Resource Employee Health Services cut her medical benefits while PLAINTIFF had been approved FMLA, Plaintiff required therapy and rehabilitation of her back her injured on the job as security officer, Human Resource approved the FMLA she request because her injuries violating FMLA AND ADA .- Rehabilitation Act 1973

32 Plaintiff Yolanda Micthell forced to filed a charges with EEOC against her employer Defendants Detroit Public Schools (DPS) Robert Bobb and Human Resource for them violating her rights under ADA AND FMLA Act these Defendants did caused aggravated injury when they terminated employment while being treated for rehab on her back, and plaintiff forced to apply for State assisted for expenses and ongoing therapy.

33 That Defendant -Detroit Public Schools, a Public School District and'Agency of the State Michigan-Division of Human Resources Employee Health Services is an agency of the State of Michigan that deals with employment personnel issues work a including employment leaves, vacations, work status suspensions etc and is a government agency who terminated Plaintiff benefits when on Approved FMLA Act- the medical insurance was cancelled while Plaintiff was under doctor care and therapy plaintiff continued to suffered a disability and been denied reasonable accommodation

34 42 USC # 12112(a) - known as the Title II -ADA statute - provides that Subject to the provisions of this subchapter , no qualified individual because of any disability can be discriminated against in regard to job application procedures, the hiring, advancement , or discharge of employee compensation , job training and other terms, conditions , and privileges of employment

35. 42 USC # 12132 - known as the Title II ADA statute - provides that subject to the provisions of this subchapter, no qualified individual with a Disability shall , by reason of such disability, be excluded from participation In or be denied the benefits

of the services, programs, or activities or be subjected to discrimination by any such entity .

36 The U.S Supreme Court- in Shaw vs Delta Air Lines, 463 US 5 ; 97, 103 S. Ct. 2890 at 2900 77 L .Ed. 2d 490 (1983) held that the District Court must give these statutes – a plain language interpretation and U.S. Congress intended that Liability be based upon violation of plain language of these statutes.

WHEREFORE Plaintiff - Yolanda Domineck Mitchell respectfully prays and requests that this Honorable - U.S District Court :

A. ORDER, GRANT, ENTER Judgment (s) in favor of Plaintiff Yolanda Domineck Mitchell in Compensatory Damages -based upon **FEDERAL REHABILITATION ACT OF 1973** against the Defendants- the Detroit Public Schools, - Division of Human Resources Employee Health Services, Robert Bobb. Individually and in his Official Capacity as the Emergency Financial Manager, Ellen Griffin Executive Director Employee Health Services; Ines De Jesus, as Associate Superintendent Human Resources Roderick Grimes – jointly and severally plus Court Costs ,interest and Attotney Fees -Incurred in prosecuting this Federal Claim.

COUNT II
FAMILY MEDICAL LEAVE ACT 1993 – ACTION FOR DAMAGES

Now comes the Plaintiff Yolanda Mitchell in Propria Persona realleges restates, and hereby complains unto this Honorable United States District court for monetary damages for this plaintiff 's wrongfully deprived twelve weeks of medical benefits under the Family Medical Leave Act that were duly granted by Defendant- Human Resource deprived this Plaintiff of her Federal Statutory benefits - specifically ::

37 Plaintiff Yolanda Domineck Mitchell was on her approved Medical Leave under the Family Medical Leave Act (FMLA) when her Federal rights were violated by these Defendants in this controversy because the law requires that U.S. workplaces with at least 50 employees provide 12 weeks of unpaid job-protected parental leave, as well as unpaid leaves for employees with serious illnesses and those caring for seriously ill relatives. The rights promised to parents are quite modest, compared to other countries' leave benefits and quite easy to administer compared to other employment rights in the United States. Yet this

analysis reveals that at least one-quarter of covered workplaces were violating the parental leave requirements of the **FMLA**.

38 . Defendant -**Detroit Public Schools, and its Human Resources Employee Health Services – Division** failed to honor the **U.S federal law** when they granted to FMLA to the Plaintiff- **Yolanda Domineck Mitchell** .

39. Plaintiff **Yolanda Domineck Mitchell** rights under the Federal **Family and Medical Leave Act of 1993**. had been violated. That Plaintiff's employer Defendant- **Detroit Public Schools and the office of Benefits Employee Health Services (EHS)** knew about this Plaintiff - **Yolanda Domineck Mitchell's - FMLA** that had been approved by the **Division of Human Resources and Department of Benefits and Compensation**. Plaintiff approved of the FMLA scheduled from 06/21/10 to 08/20/10, and only paid for the dates designated as paid and dates are available in my DPS bank. See (exhibit A).

40 Defendant - **Robert Bobb**, was duly appointed by former Governor **Jennifer Granholm**, as the **Emergency Financial Manager** for the Defendant- **Detroit Public Schools** to enforce the **Michigan Emergency Financial Manager Act** and address the budgetary and fiscal crisis relating to the Defendant- **Detroit Public Schools** and on July 30, 2010 - Defendant- **Robert Bobb**- utilized his **State Executive authority** under **Public Act 4 of 1999** to terminate the employment of this Plaintiff- **Yolanda Domineck Mitchell** - as a **DPS security officer** and did violated their **Federal rights**.

41. Plaintiff - **Yolanda Domineck Mitchell's** employment was illegally terminated , canceled on July 30, 2013 while this Plaintiff was on a approved **Family Medical Leave**.

42 Plaintiff - **Yolanda Domineck Mitchell** request that the **Honorable U.S. District Court** now restore her benefits under the **Family Medical Leave Act**, and judicially enforce her **Statutory Rights** under the **U.S. law** and Grant her **Restoration** of her

her medical benefits and Fringe Benefits that she is rightfully entitled to based upon the U.S. law and grant, award this Plaintiff - Yolanda Domineck Mitchell Compensatory and Exemplary Damages against these Defendants - for willful violations of this Federal Statute.

43 . Defendant Robert Bobb ordered and executed that Defendant Ines de Jesus to mail letter on July 30, 2010, to terminate Plaintiff employment as a DPSsecurity officers

44 Plaintiff - Yolanda Domineck Mitchell terminated while under medical care and the hospital, lost medical benefits and job benefits the same day.

45 . Plaintiff - Yolanda Domineck Mitchell was mailed a letter terminated her employment through first class mail.

46 Plaintiff - Yolanda Domineck Mitchell received a termination letter on July 29,2010 from the Detroit Public Schools signed by acting superintendent Defendant Ines de Jesus" who signed said termination letter.

47. Plaintiff - Yolanda Domineck Mitchell - employment was terminated on a approved FMLA and she was under doctor care for medical treatment for back injury that was job related.

48. That Defendant- Ines de Jesus - denied this Plaintiff- Yolanda Domineck Mitchell "Due Process of Law" and a "Fair Objective Hearing" and wrongfully discharged his Plaintiff – Yolanda Domineck Mitchell without affording her a Pre- Termination Hearing or a Post- Termination Hearing in violation of the U.S. law

49 Plaintiff -Yolanda Domineck Mitchell federally protected rights were violated by Defendants Ines de Jesus and Robert Bobb under the Family Medical Leave- FMLA , American Disability Act -1990 ADA, and Federal Rehabilitation Act -1973

50. That Defendant Robert C Bobb the emergency manager ordered Defendnt

Ines De Jesus to mail this Plaintiff- Yolanda Domineck Mitchell - a written letter while this Plaintiff on an approved Federal medical leave.

51 Plaintiff's - Yolanda Domineck Mitchell Federally protected rights were violated by Defendants named – ROBERT C BOBB, who granted and executed order to terminate plaintiff employment as a DPS security officers.

WHEREFORE Plaintiff - Yolanda Domineck Mitchell respectfully prays and requests that this Honorable - U.S District Court :

A ORDER, GRANT, ENTER Judgment (s) in favor of Plaintiff Yolanda Domineck Mitchell in Compensatory Damages -based upon FEDERAL REHABILITATION ACT OF 1973 against the Defendants- the Detroit Public Schools, - Division of Human Resources Employee Health Services, Robert C Bobb. Individually and in his Official Capacity as the Emergency Financial Manager, Ellen Griffin Executive Director Employee Health Services; Ines De Jesus, as Associate Superintendent Human Resources Roderick Grimes – jointly and severally plus Court Costs , interest and Attotney Fees -Incurred in prosecuting this Federal Claim.

COUNT III

REHABILITATION ACT of 1973 - Section # 504 - 29 USC # 794(a)
Action for Compensatory Damages - Handicap Discrimination

Plaintiff - Yolanda Domineck Mitchell - In Propria Persona request the Honorable Federal District Court judicially enforce the law and her Federally protected rights under the REHABILITATION ACT of 1973 - Section # 504 - 29 USC # 794(a) and Order these Defendants to reinstate her Employment and Retrain and Re-educate this Plaintiff - Yolanda Domineck Mitchell under the Rehabilitation Act that forbids Discrimination against “Qualified people in federally funded programs “solely by reason for her or his handicap.” 20 U.S.C. 794(a). This does not mean, however, if the employer can articulate any reason for discriminatory behavior other than handicap there is no claim under the statute. Cases interpreting the statue have held that if an employer discriminates on the basis of the handicap, an employer may have a valid complaint .

52 Plaintiff Yolanda Domineck Mitchell realleges, reasserts and restates

paragraphs one (1 thru 51) Fifty –One heretofore- alleged in this complaint and hereby incorporates by reference said paragraphs as part of this **Count III** a legal claim for Violations of **Federal Rehabilitation Act of 1973**.

53 Plaintiff Yolanda Domineck Mitchell asserts that she is Handicap person person within the meaning of the Federal Rehabilitation Act of 1973 and as a Qualified Handicapped Person she has been wrongfully excluded and have been wrongfully denied employment positions with the Defendant Detroit Public Schools, Public School District and' Agency of the State Michigan-Division of Human Resources Employee Health Services based upon the actions of the Defendant , Robert Bobb. Individually reason for her handicap from July 30,2010 til the present date: see Green vs Casey 642 F. Supp 1076(D.Mass 1986) Strathie vs DOT ,716 F.2d 2276 (3rd Cir. 1893)

54 . Plaintiff Yolanda Domineck Mitchell was terminated on July 30, 2010 by the Defendants Detroit Public Schools, a Public School District under the Division of the Human Resources Employee Health Services - based upon the Executive Orders of the Defendant – Robert C Bobb Individually as the Emergency Financial Manager under Public Act 4 of 1999 - the Michigan Emergency Financial Manager Act

55 Plaintiff Yolanda Domineck Mitchell a DPS Security officer was a medically handicap employee and a “Qualified Disabled Person “ who was given an approved medical leave on June 18, 2010 for the work related injuries (Spinal Injuries and Left Leg problems) that she incurred in April, 2010 at the place of employment and she had surgery on her back and on ongoing medical therapy for treatment. See St Mary Honor Cir vs Hicks. 509 U.S 502,113 S.Ct,2742,125 L.Ed, 2d 407 (1993) Vega vs Kodak Catibbean 3.F3d.476 1st Cir1993) Cook vs Department of Mental Health Retardation & Hospital, 10 F 3d 17 (1st Cir 1993)

56 Defendant - Detroit Public Schools, Public School District and'Agency of the State Michigan-Division of Human Resources Employee Health Services,Robert C Bobb

Individually. and Jack Martin as the Successor Emergency Financial Manager are now liable to this Plaintiff- Yolanda Domineck Mitchell – in compensatory damages for violating the REHABILITATION ACT of 1973 - Section # 504 - 29 USC # 794(a)

57 Defendants Detroit Public Schools, Public School District and Agency of the State Michigan-Division of Human Resources Employee Health Services, Robert Bobb. Individually and in his Official Capacity, as Emergency Financial Manager, Ellen Griffin Executive Director Employee Health Services; Ines De Jesus, Individually- Associate Superintendent Human Resources Roderick Grimes are subject to the FEDERAL REHABILITATION ACT OF 1993 in this Case and Controversy because Detroit Public School has received Federal Funds and Federal Financial Assistance pursuant to 29 USC # 794C(b)(1)(A) See, Schroeder vs City of Chicago 937 F.2d 957(7th Cir 1991)

58 Defendant Roderick Grimes chief executive had a duty to retrain this Plaintiff – Yolanda Mitchell a handicap individual and DPS SECURITY Officer who was a Qualified Handicap individual within the meaning of the Federal Rehabilitation Act of 1973.

59 .Under the Rehabilitation Act 1973 Plaintiff – Yolanda Domineck Mitchell is entitled to be retrained and promoted and given expanded employment opportunities - herein Plaintiff Yolanda Domineck Mitchell was denied light duty position and is rightfully entitled to compensatory damages from the Defendant- Detroit Public Schools, Public School District and Agency of the State Michigan-Division of Human Resources Employee Health Services, Robert Bobb. Individually failed to offer reasonable accommodation or light duty to the Plaintiff for her job related back injuries.

60. Plaintiff Yolanda Domineck Mitchell sustained injuries on April, 2010 instead of allowing Plaintiff's reasonable accommodation -however these Defendants continued to denied her benefits under the Family Medical Leave Act and the Rehabilitation Statute - 29 USC # 794(a) - according to the U.S. Supreme Court .See,

based upon REHABILITATION ACT of 1973 - Section § 504 - 29 USC § 794(a) plus Court Costs, Interest and Attorney Fees incurred in prosecuting this Federal Claim for Handicap Discrimination against the above Defendants – specifically :

A ORDER, GRANT, ENTER Judgment (s) in favor of Plaintiff Yolanda Domineck Mitchell in Compensatory Damages -based upon FEDERAL REHABILITATION ACT of 1973 against the Defendants- the Detroit Public Schools,- Division of Human Resources Employee Health Services, Robert Bobb. Individually and in his Official Capacity as the former Emergency Financial Manager, Jack Martin – Individually and in his Official Capacity as Successor and Current Emergency Financial Manager ; Ellen Griffin Executive Director Employee Health Services Ines De Jesus, as Associate Superintendent Human Resources Roderick Grimes – jointly and severally plus Court Costs ,interest and Attorney Fees -Incurred in prosecuting this Federal Claim

COUNT IV
VIOLATIONS OF FEDERAL CIVIL RIGHTS- 42 USC # 1983 BASED UPON
DUE PROCESS OF LAW" CLAUSE OF 5TH AND 14TH AMENDMENTS
TO U.S. CONSTITUTION- ACTION FOR COMPENSATORY DAMAGES

Now comes the Plaintiff Yolanda Domineck Mitchell in Propria Persona and hereby complains unto this Honorable United States District Court for a monetary damages for this Plaintiff's for Violations of her Federal Civil Rights - under 42 USC #1983 - based upon the "Due Process of Law" clause under the 5th and 14th Amendments to the U.S Constitution and hereby seeks and request a Judgment for compensatory damages against these Defendants- Detroit Public Schools, an Agency of the State Michigan- Division of Human Resources Employee Health Services ; Robert C Bobb Individually and in his Official Capacity as the Emergency Financial Manager, Ellen Griffin Executive Director Employee Health Services; Ines DeJesus, as Associate Superintendent Human Resources ; and Roderick Grimes , Individually as the Chief of the Department of Public Safety for the following reasons :

61 Plaintiff - Yolanda Domineck Mitchell realleges, reasserts and restates paragraphs one (1 thru 60) Sixty heretofore- alleged in this complaint and hereby incorporates by reference said paragraphs as part of this Count IV a legal claim for Violations of Federal

Civil Rights - under 42 USC #1983 -

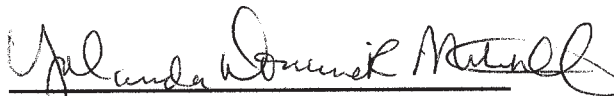
62. Defendants - Robert C Bobb - Individually and in his Official Capacity as the Emergency Financial Manager, **Ellen Griffin** - Executive Director Employee Health Services; **Ines De Jesus**, as the Associate Superintendent Human Resources and **Roderick Grimes**, Individually as the Chief Department of Public Safety acting under "State Action" utilizing a Michigan State Statute - Public Act 4 of 1999 under the Michigan Statute - did intentionally and deliberately "Terminate" and "Discharge" this Plaintiff- Yolanda Domineck Mitchell from her employment without a Hearing on July 30, 2010 - by illegally utilizing "State Action" under Color of Michigan State law (Public Act 4 of 1999) with wanton and reckless disregard for the Civil and Constitutional Rights, privileges and guarantees of the Plaintiff- including her fundamental rights to "Due Process of Law" under the 5th Amendment and 14th Amendments to the U.S Constitution and other applicable provisions of the U.S. law. See, Scheuer vs Rhodes, 416 US 232, 94 S. Ct 1683; 40 L. Ed. 2d 90 (1974) Wood vs Strickland, 420 US 308, 95 S Ct 992, 43 L. Ed. 2d 214 ; Bivens vs Six Unknown Federal Narcotics Agents 403 US 410, 91 S Ct 2011 ; Harlow vs Fitzgerald, 457 US 800 ; 102 S Ct 2727, 73 L. Ed. 2d 396 (1982) Ex Parte Young, 209 US 123, 28 S Ct 441 52 L. Ed 714 (1908)

63. Defendants - Robert C Bobb - Individually and in his Official Capacity as the Emergency Financial Manager, **Jack Martin** Individually and in his Official Capacity as the Successor Emergency Financial Manager ; **Ellen Griffin** – as the Executive Director Employee Health Services; **Ines De Jesus**, as the Associate Superintendent Human Resources and **Roderick Grimes**, Individually as the Chief Department of Public Safety acting under "State Action" utilizing a Michigan State Statute - Public Act 4 of 1999 are liable to this Plaintiff- Yolanda Domineck Mitchell - for violating her Federal Civil Rights under the Federal Statute - 42 USC # 1983.

WHEREFORE Plaintiff - Yolanda Domineck Mitchell – In Pro Per hereby respectfully prays and requests that this Honorable - U.S District Court :

A. Order, Grant, Enter Judgment (s) in favor of Plaintiff Yolanda Domineck Mitchell in Compensatory Damages in excess of Seventy Five Thousand (\$ 75,000.00) Dollars plus Court Costs, Statutory Interest, and Attorney Fees against the Defendants- the Detroit Public Schools, - Division of Human Resources Employee Health Services, Robert C Bobb. Individually and in his Official Capacity as the Emergency Financial Manager, Jack Martin, Individually and in his Official Capacity as the Successor - Emergency Financial Manager ; Ellen Griffin - Executive Director Employee Health Services; Ines De Jesus, ,as Associate Superintendent Human Resources Roderick Grimes – jointly and severally based upon Violations of the FEDERAL CIVIL RIGHTS- statute - 42 USC # 1983 arising from the illegal “State Action” under “Color of the Michigan State law” for willful violations of the “Due Process of Law” Clause of the 5TH AND 14TH AMENDMENTS to the U.S. CONSTITUTION .


B. Order, Issue, Enter a written Order Granting this Plaintiff- Yolanda Domineck Mitchell - Remedial Judicial Reliefs - that are proper and appropriate to make this Plaintiff- Yolanda Domineck “whole” in this Case and Controversy - for violations of her Federal Civil Rights under the 42 USC # 1983 - arising from the events and circumstances on July 30, 2013



**Yolanda Domineck Mitchell
Plaintiff in Pro Per
12500 Rosemary
Detroit, Michigan 48213
Tel (248) 252-7417**

State of Michigan)
)ss
County of Wayne)

Yolanda Domineck Mitchell - being first duly sworn, deposes and states that she has read this written Motion subscribed by her and hereby states that said information, allegations averments, contents of said Motion are true and correct, except as to those matters based information and belief before a Notary Public this 24 day of July, 2013.


Notary Public, State of Michigan
County of Wayne
My Commission Expires on: 06-18-15

